



JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON JUSTICE AND PUBLIC SAFETY

October 10, 2013

Room 643 of the Legislative Office Building

The Joint Legislative Oversight Committee on Justice and Public Safety met on Thursday, October 10, 2013 at 1:00 PM. The meeting was held in Room 643 of the Legislative Office Building. Members present were: Representatives Boles, Burr, Daughtry, Faircloth, C. Graham, G. Graham, Hurley, McNeill, Mobley, Stevens, Turner, Dobson, Jordan, Speciale; Senators Allran, Bryant, Daniel Goolsby, Newton, Woodard.

Representative Jamie Boles presided and called the meeting to order at 1:06 p.m. Chairman Boles recognized the Sergeant at Arms Staff present, Garland Shephard, Larry Elliott, Ashley Mickens, Ed Kesler, Canton Lewis and Billy Fritscher. He then asked each of the members to introduce themselves. After the members introduced themselves, Chairman Boles recognized all staff members to introduce themselves. The following staff members were present: Hal Pell and Susan Sitze, Research Division; William Childs, Lisa Fox, John Poteat and Kristine Leggett, Fiscal Research Division; Emily Johnson and Sean Dail, Bill Drafting.

After introductions, Chairman Boles asked the co-chairs if they had any comments. Representative Hurley welcomed everyone to the meeting and made a brief comment followed by Senator Goolsby who indicated that he was pleased to once again serve as a co-chairman on the committee and looking forward to looking at the reports which come in and talking with folks and encourages the members, public and government relations folks to let the chairs know what they would like the committee to look into. He emphasized that he wanted to assure everyone that he would like them to fully utilize the committee, law enforcement, prisons, DA's and everyone across the state. He further stated that all of the law enforcement functions deserve the committee to be looking at the important issues of the people during this interim period – that is our job and why we are spending the people's money to bring us up here and wants to see the committee maintain a good use of the taxpayers' dollars and that we do not waste their time. He again asked that everyone send the committee chairs their comments and suggestions and introduced Joseph (Kyzer), his committee clerk who works for him full time. Chairman Boles then introduced the committee staff, Mr. Brooks (Grant) and Ms. Jennings (Mary) as well as the committee clerks, Kerry Guice, Deborah Holder and Joseph Kyzer and thanked them for their work.

Chairman Boles thanked the staff of Adult Corrections or the NCDPS for conducting a tour of the Women's Central Prison for committee members on Wednesday, October 9th. He acknowledged the commitment of staff members and correctional officers at the prison and told



members that there would be other tours of other facilities for the committee members. He also told the members to please let the chairs know if they had an interest in a specific facility and they would try to arrange and facilitate it so that the tours could be had.

Chairman Boles recognized Hal Pell with the NCGA Research Division to review the Committee Charge with the members. Mr. Pell came forward and indicated to the members that they had the statute before them in their folder, Article 12J. He noted that these statutes talk about the creation membership and organization of the committee. He highlighted the provisions in section 120-70.94 regarding the purpose and powers of the committee which are to “examine on a continuing basis the correctional, law enforcement and juvenile justice systems in order to make recommendations to the General Assembly; to study the budget programs and policies of the Department of Public Safety; to study the effectiveness of the Department of Public Safety in implementing its duties and responsibilities; to examine the effectiveness of the Division of Juvenile Justice in implementing its duties and responsibilities; and study the needs of juveniles including child welfare services, juvenile court system and services provided by the Department of Health and Human Services. Also to study and evaluate domestic violence programs, funding, law enforcement response to domestic violence, legal services for domestic violence, and to review conviction data collected on domestic violence cases. He noted that in 2005 the Joint Legislative Committee on Domestic Violence was created and pursued these duties and responsibilities until 2011 when those duties of the Domestic Violence Committee were transferred to this committee to undertake. He also stated that the committee may also consider any other matter that the committee deems necessary which is a rather broad charge to the committee. He briefly touched on some of the specific powers which are referenced in the statute concerning powers of the joint committee: to request all information and data in the possession or ascertainable in the records from all officers, agencies and departments of the State. He told the committee that it does have this authority and may use a subpoena power if necessary to compel either testimony or the production of documents. Also, the committee has the power to seek an order from superior court if a witness or a party or entity refuses to testify or provide information to show why the person should not be held in civil contempt of court, which would be a proceeding in Superior Court, and the committee has this same power with regard to persons who might disrupt the committee’s proceedings – to seek an order of civil contempt from Superior Court. (See Attachment 1 for a copy of the presentation)

Chairman Boles opened the floor for questions from the committee regarding Mr. Pell’s presentation which there none.

Chairman Boles recognized Mr. Mike Hodgson, VIPER System Manager with the North Carolina Highway Patrol, North Carolina Department of Public Safety to come forward and give a report on the VIPER (Voice Interoperability Plan for Emergency Responders) to the committee. Mr. Hodgson came forward to give an update on the status of the VIPER system. He noted that the legislature was gracious in providing funding last session and is here to give an update on that and the progress that has been made. VIPER came before the legislature in 2004 for approval and his agency has continued to work forward with that plan.



(See Attachment 2 for a copy of the presentation which is attached for detailed information)

Upon concluding his presentation, Mr. Hodgson indicated to Chairman Boles that he was available to answer any questions the committee might have of him. Chairman Boles recognized Representative McNeill to begin discussion following the presentation.

Representative McNeill: asked what the ceiling would be raised to for users with the addition of P25 upgrade

Mr. Hodgson: 128,000 and noted that it would almost double the capacity by going to the new technology.

Representative McNeill: asked if the individual cities and counties on the system would be able to provide the upgrade to P25 themselves or if they would have to have hands on by the people running the VIPER system.

Mr. Hodgson: the initial cost was factored into their cost and once the programming is completed one time, and the new load of software is done, the counties do a lot of the programming themselves. Over the past three years, they have held training and representatives from all of the counties have attended and received the necessary equipment to do that. However, as an initial start, with P25 we want to make sure there is a uniformity across the entire state and all of the units so that was included in our initial roll out and once that is done, there will be an opportunity to make changes. At some point and time we have to take the old programming out and we are hoping that a lot of the counties will want to do that themselves to gain additional experience and work through that.

Chairman Boles: asked Mr. Hodgson if he was clear that the Highway Patrol was going to do the initial P25 installation of all radios.

Mr. Hodgson indicated that they were. He again stated that the initial funding there was a provision made to allow for the initial programming of all radios however, beyond that the counties will have the opportunity to make changes.

Representative McNeill: What is the cost of maintaining the system going to be?

Mr. Hodgson: The target goal is about \$7,500,000.00 per year counting salaries, maintenance, fuel, repairs, everything that goes into that factor. Last year in the July 1 legislative increase, we went up \$2,625,000.00, I believe it was or \$2,500,000.00 additional and there is already a provision in the legislation that once we complete tower construction that the recurring funding that you set aside effective July 1, 2014 will reduce to close the gap between what our annual appropriation for recurring maintenance is today and to complete out that \$7,500,000.00 target. We have the funding, at least in play, to make sure that recurring maintenance need is met. That is a huge thing and I thank you for the construction money to get us the P25 but also from the standpoint of maintaining what we have and we've not always done a good job of funding the maintenance and I think last year's legislation set the stage for that and I say thank you because it makes my job a lot easier.



Representative Faircloth: Without giving any bad guys ideas, every system has vulnerabilities and I think in terms of man caused vulnerabilities and weather, etc., can you give some examples of what might be something we could suffer and how we will react?

Mr. Hodgson: Unfortunately, hardening things to a point is either cost prohibitive or, can you really defend against anything that someone might throw at you. As a general rule, mother nature is probably our worst enemy. Wind or structural damage could occur as a result of catastrophic weather. But you are right that you could go blow up a site or endure some damage to a site that is manmade and there is no prevention for that. The good news from our perspective is: a) that we don't build the sites without some overlap so we would hope that they won't target a whole area, they'll target one and then we can look at protecting the rest of them. Indeed if we lose one there is some overlapping coverage to accommodate the fact we lost a site. We also have redundancy in the way we construct that interconnect via our microwave system. We go out in multiple directions so you may have a path that comes from that way or this way to the same site and if you've lost a site you will be able to sustain your overall network. That is one of the things in the money that you gave us for P25, that is one of the tasks that we made sure that we addressed even more so, making sure that we are able to maintain the network and the sustainability using the dollars provided. Using the dollars provided and take that into consideration as well. Part of that upgrade to P25 looks at how do we make sure that we don't have a total loss of a piece of the state if we had a catastrophic, either manmade or weather related event. There is no perfect answer to that but unless you build a wall around it as tall as the tower you're not going to be able to protect it entirely and then somebody would blow the wall up and then blow the tower up on top of that.

Representative Faircloth: On behalf of the citizens of North Carolina and the law enforcement agencies and other public service agencies, I want to thank you folks for the interest you have, the hard work you're doing, what you've done in the past and what you've worked with us on to make things work in the future. This is vital to our safety and well-being in this state and I commend you for it.

Representative Stevens: My concern is that we have 5% of the state that isn't even in our goal – 5% of the in street portable coverage will not be there. Where exactly is that and what are we doing for them?

Mr. Hodgson: The bottom line is can you build 100% and I think the goal is to say what would be reasonable achievement set to provide that coverage? So if you look at it from the perspective of what this 99.999% cost does, the model goes up exponentially. Where is the 5% - that is going to be one of those situations where someone has to go and find. I went and stood out here and it didn't work and I moved 3 feet to the left and it did or 3 feet to the right and it didn't. The map that we produced is relatively conservative in that it looks at where is the theoretical hole but in many cases you can go stand in that hole and it works. Even the map itself is not the best tool. One of the things that was said early on is, hey, you are the highway patrol and you built this system to be 95% portable in the street so does that mean the trooper stands in the middle of the highway to define the 95% and that is no. Unfortunately, not knowing who was willing to join the system back to 2004, people ask well why didn't you build the system to be 95% portable in a building – well define what the parameters of the building



are. Is it a jail or a single story wood frame house in a rural setting. Those are all different variables and not knowing how to build that is difficult. One of the things I will tell you is that over time cities and counties that join the system will use more – Representative Boles area wants to join the system and they are willing to front the cost to improve the coverage beyond what we, the state, define coverage to be. If the counties are willing to say they want to use VIPER and recognize that the cost of investment to the county to build my own system is here and joining VIPER costs me here even if I make some improvements to the system, is that still a cost benefit to the taxpayers and gets me what I want. The coverage may now be 98% portable in the street. We had to set a baseline and I think it is difficult to measure until you literally go out there real time and say I took this device and it did or did not meet my expectations. Thankfully, as a general rule, take that map and say I think this is a white dot where there is not supposed to be coverage, nine times out of ten there really is. I think we have built it perhaps a little better than we portrayed but we set a goal and had to try to set something to work towards.

Representative McNeill: I noticed in reading a report that we are getting some federal funds to build towers. Exactly how much is the federal government pitching in and what are you using that money for?

Mr. Hodgson: You look at the original budget for VIPER which was a little over \$189,000,000.00 in capital costs, I believe that to date we have about \$190,000,000.00 of that funded from federal funds. The dilemma that we have with federal dollars right now and unfortunately it's almost a negative impact is that as the federal government has gone on further and further with its grant funds, they have squeezed harder. They have said that the timeline to complete projects is shorter and shorter and shorter and the other thing we have as a huge hurdle using federal dollars is that we have an environmental review process that we have to go through with the federal government. That typically involves, when we do a tower construction project, and that is what it is – a construction project, we have to go through all of these hoops. Instead of that being reviewed at the state level, state construction and state historic preservation, it goes to FEMA Region 4 in Atlanta. The average turnaround time from FEMA Region 4 is twenty-two months. The average grant performance period from the federal government is three years. We get the money, we go out there and do the review and the planning and produce a document that we now send to FEMA and twenty-two months later we get it back. We'll never get it built before the federal funds run out. One of the things that has unfortunately happened, I think is through fault of North Carolina and Director Sprayberry – I look to him to say yes or no. It's not through a lack of effort to spend the money but when they don't give you an extension for your grant, when the money runs out, game over. The money has run out. You can't continue that project. In some cases, that now causes us to fall back on state funds again for a project that may have been originally funded with federal dollars. The flip side of that is that federal dollars are diminishing tremendously. In 2004, this program received in excess of \$30,000,000.00 in federal funds towards VIPER. Last year I think we did about \$1,500,000.00 or thereabouts toward the program, only because North Carolina's amount of money it receives every year has gone from \$50,000,000.00 to \$5,000,000.00. VIPER continues to receive a significant portion of that, it's just that the amount of money available for the program – the amount of money for North Carolina to spend on any program for Homeland Security has diminished tremendously



and then we have to spend it in the time of the grant performance period. That is another challenge.

Representative Hurley: There is a big concern about the western part of the state in the mountains about the communication there. How is that being worked out?

Mr. Hodgson: The mountains create a huge geographic challenge. I'm not saying that other parts of the state doesn't but building the towers in the mountains has issues just from getting it done and then covering it. That is really where the focus is for the remainder of the sites. Most of the sites that are under construction now and the ones to be funded are west of I-77 and I realize the mountains go all the way to Murphy. Originally the state was to work from one end of the state to the other. When we started using federal funds, the local recipients had to be found for that so we kinda jumped around a lot more over the map but now that we are using state appropriated funds we are pushing on and the goal is to finally finish the west.

Representative Faircloth: Can you give some opinion as to what satellite communications might hold for public safety in the future?

Mr. Hodgson: We have used satellite communications in North Carolina. I know state emergency management provided them to each county in the event of a loss of a terrestrial-based or land-based system. The biggest thing there is a) cost and b) capacity in terms of the number of conversations you can hold simultaneously using the satellite. Is it a replacement for VIPER, should we use satellite instead VIPER? If you look at the 50 states and say "how do they do it", is satellite a component in our toolbox? We have this as part of our program; we use it to communicate with our federal government but as far as the day to day, a small device that works between the emergency responders is not really necessary a practical tool. One of the biggest factors is that a satellite device doesn't work inside a building, if you can't see the sky, it is no longer an effective tool. I think the issue there is across the board what we do now, towers, etc.etc., provides the best overall platform for us but certainly satellite is a tool we have in the toolbox.

Chairman Boles: You had mentioned that you had \$7,000,000.00 in 2014 and maintenance and did I understand to build out additional towers? Did that include building and maintenance?

Mr. Hodgson: To clarify that, the way the legislation is written, starting in 2014 there is a 47,000,000.00 appropriation for the construction of towers. Once we complete that construction, the amount of money necessary between the amount we currently receive for operations and maintenance is about \$5,600,000.00 total – the balance of that would come from a reduction in appropriations down to that necessary to bring us in line with the \$7,500,000.00

Chairman Boles: So in 2014 is \$12,000,000.00 – five for maintenance and seven for construction?

Kristine Leggett: NCGA Fiscal Research: Yes, that is correct. You currently appropriate two and a half and in past budget you gave them an additional two point eight for operation and maintenance which brings it up to five point two and then in the second year of the biennium



you've appropriated \$7,000,000.00 recurring which is going to be used for tower construction. That is a three year or four process once that tower construction is done, the appropriations committee can come back and reduce that \$7,000,000.00 to two or three or however much is going to be needed in additional funding for operations and they will be fully funded for operation and maintenance.

Chairman Boles: Are all state agencies on the VIPER or using VIPER.

Mr. Hodgson: All of the traditional law enforcement agencies are. I know DOT and the NC Forest Service would like to move toward that but the ID issue has prevented that. To go down a list of every state agency and say they have a VIPER radio, I think the answer is, no they do not.

Chairman Boles: And if you did go to DOT, as an example, that would reduce the eligibility capacity to municipalities, law enforcement/county public safety.

Mr. Hodgson: Yes sir, it would.

Chairman Boles: Moore County has radios – when do you anticipate that Moore County, or in a county like Moore County that already towers, the cones, the radios but we don't have P25. Your statement was that the state highway patrol would come in and put the P25's in and that after that, then the county can maintain its own program.

Mr. Hodgson: Correct. Once the programming is done initially to provide at P25, we call it a code plug, but essentially it's the P25 programming in the radios, and the infrastructure has moved to P25, now the ID problem has gone away. Now we go from 65,000 to 128,000. The goal is on or before June 30th, we will now be able to say the system is P25. There are P25 ID's that have been provided to every radio regardless of whether it is on the network today or future that now they will be able to provide that service.

Chairman Boles: So now when I go back to my county commissioners, we're guaranteed by June, 2014

Mr. Hodgson: Based on the budget that you provided, we will be done by June 30, 2014 because the money runs out.

Representative McNeill: How many systems which have their own infrastructure, like Guilford County and others – do those systems count in your 65,000 or not? If everybody in North Carolina including the ones you said want to be on it – all of the police departments, all of the counties, EMS, fire and all of that stuff decided today that they want to be on it, would 125,000 be enough.

Mr. Hodgson: I'll give you a sorta of a yes and no answer. Back in 2005-2006 timeframe, we went to every one of what I called traditional public safety and said, how many people do you have on your rolls? The Association of Fire Chiefs; the Sheriff's Association; North Carolina Police Chiefs Association and at that time 103,000 was the number. That didn't take into consideration people like DOT. It also didn't take into consideration, people who have surfaced, really since going back to 9-11 as non-traditional public safety – North Carolina Public Health; North Carolina Department of Agriculture; Health and Food Services. The quickest way to bring you to your knees is to mess up your health and your food. Those have become players in the national homeland security environment. So you've got to add all of those. Is 128,000 going to



be enough? Probably not. Here is why I say it doesn't cause me great alarm. You mentioned locals – yes there are local governments out there with their own system. The largest would be Charlotte and their urban areas, security initiative system that covers two counties of South Carolina and nine counties of North Carolina. Do they have VIPER ID's? Yes they do. Do they have every radio that is on the Charlotte system having a VIPER ID? No they do not. So some percentage of them just as in Guilford County have their own radio system. Does every Guilford County radio have a VIPER ID? No. Some portion does and in some cases they have to. All of the state's 184 ER's (emergency rooms) have a VIPER radio so that means that every ambulance in this state that is going to go to that emergency room has to have a VIPER radio regardless of whether the county has their own radio system or not. In some cases, there are twenty plus local systems who use a very similar technology as to what VIPER does that has a larger count, larger number of users being served at the local level that VIPER would have represented from their county. Look at it this way, VIPER is the state's superhighway system or the state's interstate system – not every car is going to leave the county and get on the interstate but there are some that you need to have the ability to drive on the interstate. Those are the ones consuming those VIPER ID's at the state level even though their day to day use is on a local system. Whenever they say I bought a pass to ride on the toll road I'm on the state system, they are in my county as well as at the local level. That is where you will see the ability to serve with the 128,000 is that many of those 'cars' are not going to come over on the state system and the local, predominately your largest municipalities have their own system. So that count isn't inflating or taking away from the amount the VIPER can serve on the state system.

Chairman Boles: I live in Pinehurst so I hear of a lot of conferences that go on in Pinehurst. I attended a meeting the other day and heard a presentation from FirstNet and I think you can elaborate. But, the speaker indicated that VIPER would be outdated and we wouldn't need VIPER in a couple of years – that FirstNet would be the choice. I found that to be alarming and came back and asked our staff and they were alarmed that we have another agency within our government saying that VIPER is going to be outdated with FirstNet. I would just like to get your comment and a little history of FirstNet maybe.

Mr. Hodgson: For the best part of ten years, federal government has tried to set aside portions of, what I would call real estate, for frequency spectrums to build a nationwide broadband initiative. Broadband would be predominately data to be able to provide a platform for emergency responders to communicate and receive situational awareness data, pictures, etc. Believe it or not, we are very accustomed to that here, we all have smart phones or access to a smart phone where you can get all kinds of great information. We all use it for things that are not related to public safety but public safety can get this kind of information via smart phone. North Carolina has a very good footprint from our public carriers, Verizon, Alltel, AT&T, Sprints, etc. but not all states in the country are like that. There are many areas in our country where you cannot get that kind of data information. So the federal government has been trying to make sure that there is a program in place to deliver that nationwide. That program has morphed and changed names a few times. It was the Public Safety Broadband Trust for many years and now it has come to be known as FirstNet which is part of the US Department of Commerce and not Public Safety. Before, the states themselves, the Governors of the states,



were asked if the states would like to participate. They called it opt in or opt out. And in North Carolina, we said we want to opt in and we want to at least look at what this service might provide to the citizens and public safety in North Carolina. There is a group within the Department of Public Safety that has been tasked with looking at FirstNet. A portion of money was appropriated, the state had to match that funding and a planning process is to begin. The key word there is planning. We are three years to do planning – that is the timeframe that the US Department of Commerce has said that states need to spend exhausting those funds and deriving a plan for each state. Once that is done, all of those plans will be rolled back up again and we will look at where we are headed with that. There is a gentleman by the name of George Collier that handles that program for North Carolina. Unfortunately I think there is some misconceptions being portrayed about what FirstNet is and what FirstNet isn't. First and foremost, FirstNet is a data system. It is designed to provide broadband data. We probably do more dataing than talking with these devices now. Texting, internet, e-mail, pictures, Facebook, etc. I think there is more of that than ever talking on the telephone. Bottom line is this device is primarily a data device. Could the FirstNet system one day support voice just like this device is also a voice device? The answer is probably yes however, I think the key thing is, we haven't even begun, we as states have not even begun the planning yet so it is very premature that this is going to replace a technology that we have today. I'll interject to say P25 is the federal standard. It is a standard for communication systems and I would use the federal government as a good litmus test despite their shutdown right now. What the federal government implementing at its own installations nationally? It's implementing the P25, so our base radio systems have been brought up to 25 just like VIPER is. The hesitancy to say FirstNet is going to replace VIPER, maybe one year down the road it will but in the near future, three years before we even have a plan and then that plan is going to be vetted against all the other 49 states to come up with what is a national plan. This device is about, in technical terms, this is a 100 milliwatt device. Earlier we talked about a 3 watt device, which is what a VIPER portable radio transmits. Two Hundred and Forty-One sites is gonna provide 95% coverage with a 3 watt device. If you look at North Carolina's public carriers, Verizon, who probably has the largest number of sites, numbers 1,500. So this 100 milliwatt device which is what a FirstNet data handheld device is gonna look like, requires 1500 sites to support it. Now \$189,000,000.00 for VIPER – I'll leave that open-ended to what the price potentially will be to get to that FirstNet goal. I think we've confused things a little bit but I won't go beyond that to say why that is being said but I think the facts don't support that statement.

Chairman Boles: My concern is that you mentioned that FirstNet is under DPS. I go out in the public and I hear DPS say this and I hear DPS say that and we allotted \$25,000,000.00 and this guy is saying that it is going to be obsolete. I understand that a trooper or law enforcement officer that is injured out on the highway is not going to text that "I need help" and where I'm at, he needs to be able to use his voice radio and I'm being that 100%. I'm just concerned with the agency as far as conflicting stories and where do we need to spend our money.

Mr. Hodgson: I will take that under advisement.

Representative McNeill: I know the next timeline for narrow banding for the federal government is 2018, correct me if I'm wrong. Will that affect VIPER any? When the 2013



narrow banding took place, you say an influx of agencies wanting to get on VIPER. Do you anticipate an even larger influx of agencies when the 2018 deadline comes up?

Mr. Hodgson: You are correct. We saw a huge growth. In less than 18 months we grew 24,000 users. A majority of those 24,000 users came from local governments saying why would I pump money into narrow banding my legacy technology versus joining an interoperability system like VIPER. I think we saw a huge growth of that to comply with the FCC's mandate in narrow banding. The narrow banding mandate did not apply to the 700 and 800 megahertz spectrum – it was below basically 500 megahertz. Moving forward to 2018, by going to P25, we have set ourselves to be able to deal with that mandate automatically. One of the requirements is to be able to do the narrow banding of the spectrum that VIPER uses is P25 is the modulation for the format that supports that narrowband. So I think we set ourselves to be able to accommodate that seamlessly when the time comes.

Chairman Boles: You mention that FirstNet is under DPS and, this may be to our legislative staff, can we get a copy of the committee and how it is funded? I don't remember us talking about it in the appropriations and maybe we haven't.

Kristine Leggett, NCGA Fiscal Research Staff: The FirstNet is being handled under the IT Oversight so that is why you haven't talked about it very much in JPS. VIPERs, voice, person, data so FirstNet is IT and VIPER is with ya'll.

Chairman Boles: So is it still under DPS

Kristine Leggett: Yes. And Ryan, concur with me if I am wrong her. I believe that position is being funded through IT from a grant, a federal grant so it is not a general fund appropriation. It is paid with a FirstNet position.

Chairman Boles: Is it under the DPS flow chart?

Ryan Combs, NCDPS: Yes

Chairman Boles: OK thanks. I run a simple business. There is only a hundred pennies in a dollar but it is somebody else's responsibility so if we could just get that for this committee, I'd appreciate it.

There being no other questions for Mr. Hodgson, Chairman Boles thanked him for his presentation to the committee and then recognized Mr. Richard Taylor, Executive Director of the North Carolina 911 Board to come forward and make a presentation to the committee regarding the 911 outages across North Carolina. (See Attachment 3 for a copy of the presentation which is attached for detailed information).

Prior to Mr. Taylor coming up for his presentation, Chairman Boles pointed out that he kept getting reports and seeing on the television that 911 centers were out and to call a number and the only media source he had was in the triangle. He called Mr. Mike Sprayberry, Director of Emergency Management Division of the North Carolina Department of Public Safety and he was told by Mr. Sprayberry that 911 outages were not in his department however he would be glad to look into it and get back to Chairman Boles. He did and informed Chairman Boles that the 911 Board was responsible for handling of the outages. As a result, Chairman Boles asked Kristine Leggett, NCGA Fiscal Research is the committee could have a report of the outages that had



occurred throughout the state of North Carolina and where did the 911 Board fit since it is an emergency and it didn't fit under the emergency management or DPS and it's under IT again somewhere. So that is why we've asked Mr. Taylor to be here and clarify where we are at and see what we need to do in the future or if we need to do anything.

Mr. Mike Sprayberry, Director of Emergency Management, North Carolina Department of Public Safety, spoke during Mr. Taylor's presentation to discuss how Emergency Management interfaces with the 911 Board. Mr. Sprayberry told the committee that in 2010 there was an orthoimagery project so that they could provide accurate mapping to 911 – this was so that when they were responding they would have accurate maps. Basically, they did all of the acquisition processing and quality control and had a very successful project and the 911 Board has accurate maps. Currently, the GTM (Geospatial Technology Management) section is under contract with the 911 Board and they are providing quality control for horizontal accuracy and making sure the maps are kept up to date and very accurate. That is basically the type of interface that we have with the 911 Board. After Mr. Chairman gave us a call which was referenced earlier, I reached out to Mr. Taylor and we were talking about public safety answering short outages. I asked Mr. Taylor if we could get to the table and talk about what needs to be done whenever there are outages and he graciously agreed to invite us to come over. We are now a member of that group and I would tell you that I agree with him. I think that we need to have standards for 911 centers, that is very important. We are a big believer in standards over at Emergency Management. Basically that is the 3 things we have done – we had a contract with the 911 Board back in 2010 to provide accurate mapping; orthoimagery-flyover; we are also under contract with them now to provide quality control to provide horizontal accuracy for their mapping now and we are currently on the PSAT outage work focus group. So that is where we stand right now. After these comments, Mr. Sprayberry turned to Mr. Taylor to continue his presentation.

Chairman Boles: If I could interrupt with one question – What year were you given the authority to make rules?

Mr. Taylor: I believe this was in 2012.

Chairman Boles: Who did you have to ask to get these standards passed that you said they don't want to get passed – when you had the ability to make rules?

Mr. Taylor: We have to go through the rules making process. We've had, I think once or twice, bills have been introduced from the legislature, that have moved the dates out delaying when the rules could be enforced.

Chairman Boles: So this body is holding that process up.

Mr. Taylor: It has, yes.

Chairman Boles: Is it holding it up now.

Mr. Taylor: No Sir.

Chairman Boles: I'm like you. I'm also concerned that of 127, only 23 have done it and you feel like you don't have the authority to make that mandatory which I find disturbing since you give them the money. And, you also told me that you can do rule making.

Mr. Taylor: I have asked that question many times and the Board has asked that question many times; our standards committee has asked that question many times.



Chairman Boles: And I would like to know who is holding it up. If it is this body, then I think we need to address it.

Senator Newton: Like you, I am curious about the rule making and what has been holding up and I do not wish to quibble with our distinguished speaker here. I appreciate the information they have given. I'd like to ask staff if they can help us with that because, my understanding of rulemaking is that we would have to affirmatively block a rule and I just don't have a memory of voting on anything that would block a rule. So, if we are holding it up, I would like to get to the bottom of it to.

Chairman Boles deferred the question to staff.

Hal Pell, NCGA Research Staff: I believe he is referring to the rule about, if a rule is passed, unless there are a number of objections to the rule, it does go into effect. And if there is no vote by the General Assembly not adopting it, then it does go into effect during the next session subsequent to that rule being adopted.

Mr. Taylor: What, just for clarification, it never got that far in the rules process because a bill was introduced that said the rules would take effect until 2015.

Chairman Boles: Do you know what bill that is?

Mr. Taylor: I would have to go back and...

Chairman Boles: Well, there was one introduced in a past session that said 2015 and that bill, or that piece of a bill was taken out but there was language introduced in 2012 that moved it out to 2014 and then in 2013, it was moved out to 2015. I can get the bill numbers for you but I don't have them with me today.

Senator Newton: If I could ask again of Mr. Pell, is it introduction of a bill that would delay a rule or, I thought that we had to actually pass a bill before that bill would be delayed.

Mr. Pell: We are going to check what the statute provides for that – there is a specific period of time in which, if no action is taken, it becomes a rule but we are also going to check the actual bill that was filed. If it did provide for a specific effective date, then that would be an overriding statute which would basically delay the implementation of the rule until the date specified in the new law. We will check that out further.

Senator Newton: From a procedural standpoint, would it have to be passed or just the simple introduction of a bill could delay? I didn't think you could just delay by introducing a bill.

Susan Sitze, NCGA Research Staff: I think there separate issues here. One, there is a process by which the legislature can block the implementation of a rule that has been adopted pursuant to the APA. What I believe Mr. Taylor is saying is that there apparently a bill that specifically said any rules adopted pursuant to that process will not take effect until 'x' date which is a totally separate issue. I'm looking now to see if I can find that legislation.

Mr. Taylor: I have those bill numbers and I will be glad to send them.

Chairman Boles: We are here today and we are going to find out. Unless you want to come back tomorrow.



Ms. Sitze: In 2012, it was SB94. You enacted a law that said “No operating standard set by the 911 Board pursuant to Article 3 of Chapter 62A of the General Statutes shall be effective until January 1, 2014.”

Chairman Boles, upon the request of Representative Faircloth, recognized Mr. Fred Baggett, Legislative Counsel for the North Carolina Association of Chiefs of Police, to make comment.

Mr. Baggett: We plead guilty into what you are trying to look into. We asked Representative Faircloth and others to introduce legislation in 2012 to delay the implementation of the proposed operating standards which the 911 Board had promulgated. The police chiefs, of course, operate of PSAPS and we had some serious issues with some of those standards but they appeared to be on the way to effectiveness in spite some of the questions we had. Not to say the 911 Board and its staff weren’t entirely listening to our concerns but we had an effective date pending, I believe, of July 1, 2013, which created a great deal of anxiety and concern among some PSAP operators and police chiefs and others that they simply couldn’t comply. So we sought this legislation, among other goals in legislation which was later dropped. But one of the goals was to at least delay implementation of these rules until some of these concerns were addressed. I’m glad to say 1) the rules were put off for a short period of time, but they are now underway with our active involvement and a lot of the proposed rules and Mr. Taylor can correct me whether it is a lot or some, but certainly some of the rules were changed which did immediate some of our concerns. So we support standards, we support the 911 Board having the power to adopt standards and we are actively involved in the finalization and effectiveness of the standards that are now proposed.

Chairman Boles: So Mr. Taylor, if you will zero in and confirm that in 2014, these will become standards for all 127 centers.

Mr. Taylor: That is what we are trying to accomplish now. As rules, they will probably be complete with the rules process simply because we just got back on tract because there was a bill introduced in the past session that was trying to push it out to 2015. That bill passed the House but it did not make it through the Senate. Since it didn’t make through the Senate, we were not able to get back on track.

Chairman Boles: Hopefully you are telling me you didn’t just stop work until you found out what the bill was going to do.

Mr. Taylor: We were trying not to stop work but we were more concerned about what that bill was going to do.

Chairman Boles: Mr. Baggett, please clarify one thing for me here. In the handout, page 4, it says that there are 25 police chiefs that are in control of 911 centers.

Mr. Baggett: That is true as far as I know.

Chairman Boles: Just a small percentage of all 911 centers. Thank you.

Chairman Boles: The 911 operator, and it goes through this rule process, they will become EMD, Emergency Management, Emergency Medical Dispatchers. Is that correct?



Mr. Taylor: That is one of the things we would like to do. There is a little bit of a twist there. Office of OMS has the authority of EMD. We are working with our legal counsel and their legal counsel to try and figure out has the authority because we do not have the certification authority for that.

Chairman Boles: What is your 911 operator going to be certified to do.

Mr. Taylor: In everything except for EMD. But, we want them to be certified with EMD so we are trying to figure out who has that actual authority. We have the ability to train them to be an EMD but right now we don't believe we have the authority to require them to be an EMD.

Chairman Boles: You have the money don't you.

Mr. Taylor: Yes, we have the money. But the actual authority may require statutory change. We don't know that and that is why we are letting the two attorneys look at it. That is what our goal is – to require all of them to be EMD certified.

Chairman Boles: It is enlightening to know that we don't have a standard of 911 when we dial 911 throughout the state. That to me is a little disturbing and since you have been empowered since '08 is a little bit disturbing also. As a private person, when something needs to be done, you do it. I believe we are on page 8 but before we go to page 8, I would like the Sergeant of Arms to pass out some information that I had requested. It came to light, in Moore County, that our outages a couple of times. Two or three of them I know were our mistake because we were moving from one 911 center to another 911 center and I totally understand that. A lot of it was electrical, a lot of it was in house but there was one incident where it was a 911 issue and the software did not throw it into a backup system. So, I called our staff and asked how many 911 outages were there because I had seen them on TV in Wake and Durham, Orange. I told Kristine (Leggett) I had called Mike Sprayberry at Emergency Management and he called Mr. Taylor. So I asked if they had called the County Commissioners Associations, that they would definitely have a direct line to all of their County Managers to find out what had happened and that is where are at today. To the best of your knowledge, is this current?

Mr. Taylor: No. I think there is only 14 on here and according to mine, 2 weeks ago there was 19. And actually, as of this week, there is 20.

Chairman Boles asked Mr. Taylor to continue with his presentation and opened the floor for questions from members upon the completion of Mr. Taylor's presentation.

Representative McNeill: Beginning in 2014, these rules that you are making can be implemented. Is that correct?

Mr. Taylor: Yes sir.

Representative McNeill: Is there anything else the legislature needs to do to assist you in that?

Mr. Taylor: At this point, I don't want to say no but I don't want to say yes. One of the board members and also, the committee chair of the standards committee is here and I'm looking at him and he is kinda shaking his head. I would ask him if he would like address the question.

Chairman Boles recognized Mr. Dave Corn, Vice-Chair of the 911 Board and Chairman of the Standards Committee to comment.



Mr. Corn: One of things that we don't have as a Board is any enforcement mechanism. We can remove funds from a PSAP if they decide not to adhere to the standards but we have to give those funds all back. So it's not really anything that is of great value to us. You asked about legislation that could help. That would help.

Representative Stevens: In looking over your list of problems, and the Winston-Salem PD was down for several days back in May and we still don't have what the problem was?

Mr. Taylor: That was one particular wireless carrier that was not able to connect. We are still trying to resolve the issue of why. They are able to connect but they were not able to give us a reason why. It was just one wireless carrier not able to connect.

Chairman Boles: Are they connected today.

Mr. Taylor: Yes they are.

Representative Dobson: As part of the rule making process that is going to be implemented next year, is a mandate for a backup plan going to be part of those rules?

Mr. Taylor: Yes sir.

Representative Dobson: If that is the case, and that is part of the rules, what might be the repercussions if they are not able to afford it or not able to do it in that time frame.

Mr. Taylor: There is provision in the rules, and it always has been in the rules, that if a 911 center is not able to meet the standards, they have the ability to come to the board and say "we're not able to do this, can we get an extension/can we get a delay?" That has always been the case. Even though Mr. Baggett said they had problems, the Police Chiefs Association, we have told them many times – if you have a problem with any of the standards, we have always had a provision that says if you cannot do this, come to us and tell us. The 911 Board has always ruled favorably with any 911 center when they have had a problem of not being able to perform any task.

Representative Dobson: Is it cost primarily for the local governments (the problem)?

Mr. Taylor: The cost would be probably a facility cost because the technology cost, we provide for them.

Chairman Boles: Technology costs – also, can salary costs also be part of it?

Mr. Taylor: Salaries are not ineligible.

Representative Dobson: If cost is part of that, I know you fund a lot of it too, is it astronomical to get this done? I just don't understand what the pushback is. Is it the importance of it – is it the cost? What is the rationale behind not having this done.

Mr. Taylor: Again, what our feedback has been has been the facility cost has been the biggest piece of it. Not having the facility to have an adequate backup center.

Representative Faircloth: I want to go back to Mr. Baggett mentioned and perhaps clarify a little bit more the delay that was asked for in that bill. It was not only the police chiefs, it was also some sheriffs who were concerned, there were some county offices that were concerned. An example of a concern for a Sheriff was one of the standards we were looking at that time talked about two people manning a center and the sheriffs I talked with, a couple of them had a



situation where they may not have but 2 deputies on duty at night and they couldn't put them both in the center so they were concerned about that. My compliments to all of the groups involved. They have moved forward and are sitting down together as I understand it. I can tell you from developing standards for criminal justice in the state way back in the 70's, it is not easy and when you plug technology into it, there's that real bearing in the mix. It's not easy for these folks to accomplish that and we need to do everything we can to help them get there. Everybody's got to sit at the table and everybody's got to say their part and when we roll it out, it has got to be something that will work for everybody.

Chairman Boles: Representative Faircloth, are you on this committee or have you had any input.

Representative Faircloth: No, I had the bill that delayed it in the past.

Representative Charles Graham: I am looking at your breakdown as far as personnel and the people that have this oversight for a valuable service. You have got a lot of people here, the sheriff, the chief, the IT person, county manager. The county manager is a busy person and I know he may have this under his umbrella but my concern is that if this is an emergency and a safety issue, why is it not more under the umbrella of emergency management? Is that something you are going to be looking at in the future?

Mr. Taylor: This is decided locally. We do not have any authority or even get involved. The decision of how it is done in each county is made by that particular county or city. We do not get involved in the local control of 911.

Chairman Boles: Mr. Sprayberry – how many emergency management offices do we have in our 100 counties in the state, on the local level?

Mr. Sprayberry: On the local level that work with the counties is 100 because Camden/Paskauwtank run as one government and we count our Eastern Band of the Cherokee Indians, as a partner of ours, we count them as a county, so there are 100.

Representative Turner: There was discussion as the 24 hour services being a backup plan. Is there such a place in operation now that is considered?

Mr. Taylor: Yes mam, there is. That was one of the ideas we looked at just as a possibility. There is a location, a company that does provide that. They do have that already in operation. It would be a guarantee. We would have to go through a RFP process but we did look at a particular company that is involved with 911 already and they do operate a 24 hour operation with certified operators that can do this. We can probably turn them on within 90 – 120 days.

Representative Turner: They would be able to participate right away then?

Mr. Taylor: Yes.

Representative McNeill: I know some of these outages only go on for four or five hours, but does the State of North Carolina not have a system that is portable and I think that maybe is available to the Highway Patrol that they can come and set up for such emergencies?



Mr. Taylor: When you look at a system, we have 127 911 centers and out of that 127 we probably have, 13 different computerated dispatch systems, and there's probably 12 – 14 difference telephone systems. So you would have to have the ability to have each of those telephone systems, each of those computerated dispatch systems, each of those mapping systems, all inside of that unit which I don't think we have that in any of the Highway Patrol systems right now. We have seen such a unit that is available right now that specializes in doing that and it would be available for us to use. We've actually used it in a couple of the centers in North Carolina right now when they've had to take a center down for remodeling. I think in Union County they used it for 3 or 4 weeks. Richmond County is getting ready to use it as they get ready to do some remodeling over there. It is a great system. They just pull it up, plug it in and it can operate completely independent; it has its own air, heat and everything. The telecommunicators don't have to learn anything – it's just like they are walking into their own center. They are seeing their own telephone center, their own data, their own maps and that is what is so nice about it is that there is no learning curve. When you are in an emergency situation, you don't need to be trying to figure out what is going on. It is just like an everyday situation for them.

Chairman Boles: I hope this will go through and we do have standards. It is disturbing that we don't. Is there any technology that we are missing with these phone companies to update the software or are we updated with all, I think you mentioned 14 different networks. Is there any software issues that we have that they need funding to make the system work better?

Mr. Taylor: I would have to say no. We have adequate funding

Chairman Boles: And the phone companies have the technology?

Mr. Taylor: They have the technology. The industry has the technology. We've got a staff person whose only goal is to make sure our 911 centers has the latest and greatest technology. That's what her goal is – is to help them so we are good in all those departments.

Chairman Boles: How many are in your staff, in your department?

Mr. Taylor: I have a financial analyst, and then I have 2 staff members that work. 4 total including myself.

Chairman Boles thanked Mr. Taylor for his presentation and then announced a recess for 10 minutes.

Chairman Boles reconvened the meeting at 3:18 p.m. He then introduced Mr. David Guice, Commissioner of Adult Corrections and Juvenile Justice, North Carolina Department of Public Safety who came before the committee to give a presentation on the consolidation of the Division of Adult Corrections and the Division of Juvenile Justice within the Department of Public Safety. A copy of Commissioner Guice's presentation is attached. (See Attachment 4 for a copy of the presentation which is attached for detailed information) Upon concluding his presentation, Commissioner Guice made himself available to answer questions from the committee.

Senator Daniel: I may have missed it but, what does the color coding mean on the chart?



Commissioner Guice: The color coding just represents the 3 areas of juvenile justice that we are fitting into the structure. The first area is facilities so the color coding there with the adult being blue, and down below you can see the juvenile. It shows you how that actually fits it. That is the YDCs, we have four YDCs in the state. I believe we have six detention centers and two or three that are run privately and that is where that fits in. Then for community supervision, these are our court counselors and the community supervision piece for juvenile is in the brown there and falls under community supervision. And then for programs, and there's a lot of program folks. In fact, we have a lot of great programs within our juvenile system, some five hundred and something. I don't look at that number as large, I look at that number as actually programs that are effectively working to help deliver services for our juveniles. So the programming piece tracks up through Nicole and that is why it is color coded the way it is.

Senator Daniel: My understanding is that this was done as an efficiency measure to try to bring two departments together and save money. Were positions eliminated in order to do this or are there new position titles that have been created? Can you give us some information about that?

Commissioner Guice: In the work that we did at this time, there were no positions eliminated. However, legislatively, the last couple of years there have been a lot of positions that have been eliminated in the management structure of juvenile justice. In talking with the legislative staff, they emphasized to me that you would not find those kind of savings as it relates to specific position cuts because those had already been taken. This has been something that has been a challenge for the juvenile justice folks in the last year or so trying to understand how they were to move forward with the number of cuts that they had received. When you look at the overall picture of bringing departments together as we did a few years back, the goal was to not do everything all at once. But, as we made and identified the needs, then we could make additional changes. What we have done here, we have not cut any positions. That is the amazing thing. If you look closely back at what has been done the last couple of years, you will see a large number of positions cut, even when I sat there on the committee – a lot of positions were cut relating to juvenile justice. But I will say to you that you still find these efficiencies in operations and being able to manage the overall organization better. If you were asking me in the future, do I feel like we will find efficiencies, the answer is yes and some of those areas are areas I pointed out as it relates to our programs, our food services, our healthcare – medicines and things of that nature.

Senator Bryant: The deputy directors in the central division, the blue and orange with no names, are they vacancies or positions you are going to be filling in some manner. Or am I misreading that?

Commissioner Guice: All of those positions are filled, we just didn't put the names in there.

Senator Bryant: One of the concerns I've heard is that, above the line, in the central division, there is really no one with experience or expertise in juvenile justice, etc. in that power strip, I guess you could call them middle management where the heavy lifting is gonna be done in terms of the line management and perhaps policy input and implementation. Would you say that is a fair statement or what are your thoughts about that?



Commissioner Guice: I would not say it is a fair statement. What I forgot to mention is the executive officer, Mr. J. R. Gorham, is the former Commissioner of Juvenile Justice. He is the executive officer. While his responsibilities are not just for juvenile justice, because quite

honestly this is a huge operation that I have been asked to manage, and I need to have him flexible to assist me in a wide range of areas and juvenile justice is one but he will have other tasks too. He was just made the executive officer. In addition to that, if you look closely – again, no position has been eliminated. What juvenile justice had the day before the decision was made to move in this direction is exactly what is on this sheet of paper. They had Mr. Gorham, then they had Mike Reeder over community, they had Dave Hardisty over facilities; they had, at that time, Robin Jenkins over programs. So that is all they had. We have kept everything that they had. Mr. Jenkins is no longer with us – that wasn't the decision of mine, but we are in the position of filling that position. Everything else is as it was the day before.

Senator Bryant: I think the concern is, and you mentioned it, that part of their strategy is this continuum of care. While those were the only people they had, they operated with a team in a small unit where Mike Reeder had ready access to the head of the unit even though that person had to figure out how to get to the Secretary or the Commissioner, or whoever who was between them. I am wondering if you might give some thought to the fact that now they are more separated in these different units which was not the way they functioned for this continuum. So perhaps there might be a way they can have a juvenile task force, some structure that would meet bi-monthly or something where all of the key players get to come together and then somehow get to you to expertise policy and for the forward thinking stuff you need on a policy and administrative basis as a group that you will now only get if it fizzles up to you through something that either one of these individuals might do. They don't really have a way to have impact as a group. Does that make sense?

Commissioner Guice: Yes it does. Mr. Reeder's office location and the people that he worked with before is still there. Mr. Hardester is where he worked before in the same office for programs and that staff is all still in place. Nobody has been moved and I don't anticipate anybody being moved that I know of right now. So they have the same support that they have been having. I know what you are talking about when you say coming together. I actually met with folks this morning in all three of these areas. We are having those types of meetings. I meet regularly with my community staff. I've gotten everybody out of silos so no longer does prisons sit over and do their thing, and no longer does community corrections, etc. We meet weekly, all of these key folks – we work together to tackle issues. There will be representation at the table weekly in these discussions about juvenile justice, etc. So, if folks will just give us an opportunity to work this together, I think they will understand what we are doing. My concept has always been to get folks out of silos. We've got to become more effective and efficient with the resources that we have. Does that mean that we are going to comingle what we do out here – it does not. Everybody has a special vision and we are very unique in that we have a lot of different divisions, a lot of different balls that we have to balance. That is exactly why I have two deputy commissioners, one overseeing an area and the other overseeing another area. It is important that we have that balance. Again, of the 26,000 – 27,000 DPS employees, approximately 24,000 fall under this new division. We are large, but we have tried to put in place measures to be able to get that kind of support.



Senator Bryant: I hoping that even though things are changing and we have some things that are working, I hope we figure out a way to support keeping as much of or capitalizing on the institution, wherever that institutional knowledge is historically on juvenile justice which now is

going to be at your 'lower levels'. I want to make sure that we capitalize on it while we have it and as people move on and one of the fears that it will just ultimately be so disbursed or diluted that we will lose the sense of what we had before even though we know we have make these changes which I think are important. I don't know the whole answer but as you are looking at your picture if you would keep that in mind.

Chairman Boles: I think the Commissioner understands very much juvenile, if we can take care of them while they are there, we won't see them in the adult system.

Representative Turner: Where might I be able to find the organizational chart that was prior to this one so that we can directly compare.

Commissioner Guice: We can provide that for you.

Chairman Boles: Staff said they would provide it to you.

Representative Stevens: With whom do we, as legislators, communicate when we have concerns? I don't see anybody here as the legislative liaison.

Commissioner Guice: The legislative liaison has recently changed and I think there will be an announcement here shortly in regard to the legislative person. I have talked some with the deputy secretary about that. We are so large and I think possibly there will be a couple of folks, maybe one assigned to the law enforcement piece of the department and one or two assigned to adult corrections because it is so large. We will have that person soon. Ryan is working in that capacity now along with Jarrett so they will continue to work in that capacity until a decision is made. Most of you know how to get in touch with me and...some of you do!

Representative Stevens: Make sure we have last names for Ryan and Jarrett.

Commissioner Guice: Yes, I'm sorry. We will get that to you. Jarrett Burr and Ryan Combs.

Representative Dobson: Would it be fair to say that cost and streamlined efficiencies would be the top two reasons for this?

Commissioner Guice: I would say probably efficiencies and cost I guess. I look at cost a lot of different ways because I think that if you don't do some things that you need to do you are going to pay later and what I mean by that is – we have the expertise with our engineering section and our maintenance section and we've already started that over the last year or so to really help with updating the juvenile facilities. In addition to that one of the desires among elected officials is to get a good handle on why something operates a certain way and if there are ways in which we can improve things. I believe we have the experts within our field of work that can help us get to where we need to be as it relates to both adult corrections and juvenile justice. I am very mindful of the national requirements and national concerns about juvenile justice, staffing patterns and those type of things. We are reading and learning and we are excited about the opportunities in front of us. I think in the long run, yes, we will be able to see those costs and efficiencies in how we do good work. There is a real recognition that juvenile justice, for years, has done some great



work as it relates to getting young children out of the YDCs and back in the community. They have done an exceptional job and today we have probably 240 children in the YDCs and years ago there was over a thousand, or more, so that they have done that is based on evidence based

practice is very similar to what we have done with Justice Reinvestment. What we are finding as we are digging in is a lot of the things they are doing as it relates to an assessment process and understanding risks and needs are the same things that we are doing in the adult world. It is just a little bit different for a different population. They work closely with families. We, in the adult world deal more with just the individual. There is a recognition on our part that there are similarities but there is also differences and again I think we can find those efficiencies.

Representative Dobson: That definitely helps. With regard to costs, you mentioned maintenance and engineering as maybe two areas where we can look to improve over time. I think that is good as well.

Representative Graham: When I look at the juvenile justice umbrella, Mr. Dave Hardesty, would he be considered like the superintendent? Is he responsible for all juvenile justice services – educational, quality care, those kinds of things?

Commissioner Guice: He is responsible for the operation of the Youth Development Centers and Juvenile Justice and all those things that go on within those facilities. So yes, he would be overall responsible for that. He is just like, in the adult world, one of our regional administrators or in the community world, one of our judicial district managers. He is managing a section but his section just happens to involve four Youth Development Centers and a total of nine Juvenile Detention Facilities and all of the things that go in those facilities. He is at a very high level within our organization. While you find that he is shown down here (pointing to the chart), he in reality falls right here with these other regional folks that report directly to the Deputy Director of adult facilities. In my opinion, he is very high up. We did not stick him in a region. There are a lot of ways this could have been done. We could take each of those facilities and stick them under the adult facilities regional manager but we did not choose to do that because I wanted them to have a direct line to the deputy of departmental facilities.

Representative Graham: So he does have a direct line to a deputy within the overall management.

Commissioner Guice: Yes sir.

Representative Daughtry: As you now, I live in a county where is a relative large prison and I hang around the courthouse a lot. One of the complaints I get in respect to corrections is they don't seem to have any vehicles. Would you explain why they are not able to get around? They don't have bicycles. They have to figure a way to get these people able to move from one place to another.

Chairman Boles: Before we go any further, you are talking about transporting prisoners, but also in the vehicle issue, I would like him to address that we allotted money for the probation officers and they don't have vehicles.

Representative Daughtry: That's what I'm talking about.

Chairman Boles: Not transporting prisoners.



Representative Daughtry: No sir.

Commissioner Guice: Currently we have approximately 1,700 community correction officers that are assigned caseloads. These are case carrying officers that are sworn officers, that are

certified, that have a safety package. They carry a firearm, knock on doors, they are in and out of offenders' homes. In the year 2012-2013, the Division of Adult Correction paid to the Department of Administration \$10,900,000.00 of which \$7,100,000.00 was for Department of Community Corrections for vehicles – that is the leased vehicles. We received that year, 376 vehicles. 351 were new vehicles and 61 were used vehicles. Again I have 1,700 officers. Of the 1,700 case carrying officers, I have 295 officers who do not have a vehicle assigned to them. That means they are case carrying officers with the responsibilities to see people but they have no vehicle assigned to them. This legislative year, legislation was passed. We were to get 175 new officer positions; 75 were to come on this first year. Budgeted for those 75 in the figures that are in the budget, was for a new vehicle for those staff. As of today, I not only have 295 officers that do not have vehicles, I have 75 new positions that are coming on line that I have been given no indication that there is a vehicle for them. So that is about 360 vehicles that I am short for case carrying officers. It is an issue, one that we are trying to work out. One that we might very well need some help on. It does concern me greatly because, as you know, I came from the field and you can't do field work unless you have a vehicle. Some might say can you just put vehicles in a pool? These staff are on call, these vehicles have to be ready to respond to situations, and they carry a safety package. You cannot just lift the safety package out which is all of your safety equipment whether it be pepper spray or flashlight or gun or whatever.

Representative Daughtry: If the 300 sworn officers you have now, for the purpose of having a caseload and seeing offenders, they aren't worth 5 cents right now are they if they can't get around?

Commissioner Guice: Well, we're just having to borrow vehicles from person to person. That is what I'm saying – you're carrying your safety package in a bag that is in the trunk and you're having to lift it out and take it into the office with you while somebody else is using your vehicle. We are tying folks up that could be out in the community seeing people. I would say that probably 40% of the vehicles we have in the field have over 120,000 miles on them. It is a great concern and seems to be worsening. We haven't had any new vehicles in quite a while.

Chairman Boles: How many cars will the \$7,000,000.00 buy? Would that buy your 200 or 300 cars?

Commissioner Guice: The issue clearly is we lease the vehicles. We are in a category that says our staff drive a passenger vehicle. I would challenge the way that is written because our staff make arrests and have to transport offenders in these vehicles. They are not solely passenger vehicles. We lease vehicles from the Department of Administration. My only concern is that every year we're having to write a check to send monies to the Department of Administration and we're not getting enough vehicles that we need then we've got difficulties.

Chairman Boles: Can they account for the \$7,000,000.00 you've already given them – back to you?

Commissioner Guice: I don't know if they can or not.



Chairman Boles: What I would like to do is put this on next month's oversight committee is that is agreeable with the committee here then we need to look into it. If we've paid them, why we haven't received our goods. There again, that's one agency and another agency.

Senator Goolsby: I was speaking with some probation officers the other day down my way and one of the concerns that was noted to me, and I'm just trying to figure out ways to help you guys

as far as mission. Under Justice Reinvestment, we have the 9 months of oversight when people are released. Our probation officers are now having – are we having to literally having to go and pick up prisoners when they are released.

Commissioner Guice: Yes.

Senator Goolsby: Is that a good idea? Because I just want people to understand before you go any further. We literally have probation officers, when a prisoner gets released – used to they might get a bus ticket, they might just get on the phone and get momma to come get them. Now we have to have North Carolina probation officers go pick up every released prisoner on post release supervision and I've had probation officers tell me "we get somebody who's going to be assigned to Wilmington", they drive to Charlotte, they drive to Highlands, they drive to Murphy to pick them up and bring them back to Wilmington, importing the criminal back, the releasee, the former inmate, the former defendant, all the way back to Wilmington. Our probation officers get to drive and pick them up and bring them back for free. Now that is some vehicle usage there that I wonder what your thoughts are Mr. Commissioner.

Commissioner Guice: Let me clarify by saying that over the years we have had various policies relating to the release of folks from prison. What we have available to us today is very similar to what we had years ago when we supervised a number of folks prior to 1994 under structured sentencing. We do make arrangements to have folks transferred to a local unit closer to home. That is done on a regular basis. Because we have the largest bus system in the state, we are able to transport those folks on a regular prison bus to a unit that is closer. That is happening every day. Very rarely do we have an officer anymore that will drive those long distances. If we have one on short notice, someone in say Asheville will drive and meet the person from the eastern part of the state at a certain location if we have to do that. Most of the time we make arrangements to put them on a prison bus and get them a little closer. In addition to that, we have a policy that we are working on. It is a policy that was in place years ago and that is a direct release policy. I don't think it has been implemented as of yet but we are looking at that now. That clearly is simply when someone, depending on, we wouldn't do this on sex offenders and we wouldn't do it on the worst of the worse, but we might do it with someone who is coming out and just has 9 months of supervision and is not that bad of a case, but that is where we allow a family member to come and pick them up and they report in a certain set time back to the office. That worked well for years. There is also opportunity to put them on a regular bus. For example, sometime we can't get family to come to the western part of the state and there is no bus system that runs the western part of the state but they run to Asheville so we are able to put them on a bus and we buy a ticket for them to go to that area. Most of the time, most of the releases we are coordinating and putting them on one of our prison buses and bringing them closer home. That is how it should be working but if it's not, we'll check on that.



Senator Bryant: One of the issues that is close to my heart is reentry and my judgment is that while we have been doing a good job with reducing the juvenile population in the centers, I don't know that we have been paying as much attention to juvenile reentry coming out of facilities as we have with adults or maybe they both need to be looked at. Are we going to be able to continue and maybe even build increased support for the reentry councils and the coordinated

services for reentry in some fashion. Has anybody been looking at how that correlates with what juveniles need who are more serious offenders coming out of facilities?

Commissioner Guice: Yes. Even today we are rebuilding on the reentry program and building those groups of folks who are working on their home areas in communities all over the state. We are building those reentry councils because they are essentially critical in the success of the offender's return back into the community. We have Nicole Sullivan and her staff who is working on that. As it relates to the juvenile piece, it is an important piece and we are just now learning and getting our hands around some of the intricacies that we need as it relates to the juvenile system. I think there is an entirely situation going on in here and the great thing about it is that we, at the top, realize that. If I was standing here telling you could combine these things, if I was sitting in your chair I would be scratching my head but I'm not telling you that. We know that we can't. We do still feel that having some of these key people that have worked for years in the adult section, now reading and learning about the juvenile piece and then listening to our staff. Those key people are going to be important. Billy Lassiter is one on the juvenile side that is so important. He actually is working in the interim position that Robin was in and the advocates think that is a great move.

Senator Bryant: Do you feel like you have the resources you need there and do you have a sense of what hope there might be for getting more?

Commissioner Guice: The sense I have at this point is that we are doing pretty well. We are looking every day for opportunities to check about grant money and the Vera Project success we've had there and getting that \$1,000,000.00 grant is tremendous. We wrote our grant there and got that – it is going to help tremendously with the education as it relates to folks coming out of the prison system, while they are there. And now, the monies we got for implementation of justice reinvestment, that \$500,000.00, we have spent now. Most of that has been on training. We have actually implemented that training into our regular training that we will do on an annual basis now. It is a real plus there. I have great faith in you guys and if I can meet with you and talk and explain it well enough, I feel that we will get the support and help that we need. We are just trying to look closely at how we do business and see if there is some things that maybe we can do a little bit differently that would enhance things. And if at times it takes us scratching our heads and backing up, we don't say no to things. We listen and if someone in the field has a recommendation, we try to listen to them and understand.

Representative Mobley: I've talked to some of the officers in the field regarding the merger, most of them juvenile. I know that you are going to have lots and lots of things that you are going to be addressing and working on and I commend you for taking on the challenge and the fact that you are going to be a grandfather with these children. I hope that, as you work on your staff realignment and whatever is going on, that you will look at all of the aspects of what the



requirements are that address the needs of our young people in the State of North Carolina. I'm confident, with the work you did during the time you were in the legislature with us and the conversations I have had with you that you are open and doing the right thing for the staff and the people that you have inherited. I have been asked some questions that certainly I cannot answer from some of the people out in the field. I know that your adult officers carry a firearm and I know that's a very sensitive area for our juvenile people. In fact that sometimes it is good

they do not carry firearms. I hope that is not one of those areas that you will be looking at because sometimes when you have firearms you might have people who tend to use them when they shouldn't.

Commissioner Guice: In listening to folks in the field that are doing the work in juvenile justice, I was struck by a couple of things that are similar to those in the adult correction field. A study was done some time back as it relates to the court counselor piece and that matter had not been addressed and not been successful. That is very similar to the adult correction folks and in this last legislative session we were able to address some of those concerns relating to the adult correction field. I'm working on a plan to address that issue with the court counselors. There were discretionary funds set aside of \$500,000.00 to address some of those inequities and DPS, the secretary decided to put forth, at the top of his list, addressing for DPS the concern for the juvenile court counselor pay so I feel good about that. We've still got to work it. In addition to that, they have been working for years on being able to use something like the technology that we rolled out to all of our staff as it relates to the smart phone. The ability to be able to address issues with your smart phone whether it is to take pictures in the field, to find out case information, find out if there are warrants pending on someone before you knock on the door – all of those safety kind of things. The smart phone for the adult correction side is part of their safety package now. I believe it is something that is doable and we are working on it to find exactly what is needed in juvenile field and I believe we are going to be able to roll that out fairly quickly to them also. Them being part of a bigger organization gives deeper pockets to be able to address those types of things. I would also say to you that the safety packages are a concern for me. I want to define a safety package for them because I don't know what it should look like but they have no safety package now. They have no flashlight, no phone unless they have their personal phone. They do have a few phones you can check out. They don't have a VIPER radio, they have no communication and I can tell you story after story where they go to the same door where that the adult correction folks are dealing with and they are dealing family and sometimes extended family has all kinds of issues and problems. I want us to have that conversation because the safety of our staff is one of my most important concerns. I've just seen too many situations and been too many places in the past couple of years since I came back where I've had to deal with situations where staff have lost their life. I've been at national meetings where staff nationally where staff nationally have lost their lives in the line of duty. When I am at a meeting and I am listening to a mother describe the loss of her son who is the same age as my son, I will tell you I listen and I listen closely. That was a community correction officer knocking on a door to check on a situation and it happens quickly. I have great concern about the well-being of our staff so they will have a safety package in the future. It might not have a firearm as part of it but they will have some type of safety package whether it is a vest or whatever it is. You have got to



remember that vests are different – in prisons, they need a vest that will protect you from being slashed or being cut but in the community you need an entirely different vest.

Representative McNeill: Under Deputy Commissioner, Tim Moose, you have a Director of Security Services, 'tbd', which is apparently an open position but that seems to be a dead end. That block doesn't go anywhere. Could you explain what that persons job is and who answers to him?

Commissioner Guice: It is a vacant position. It is not one that has been created. Prior to me becoming Commissioner, we had security services in prisons and we had security services in community correction. I have gotten folks out of silos so now I've got the security service piece which basically helps us with the gang issues in our facilities and out in the community and we have the same security service issues, gang issues, in juvenile justice also. This security service is a position we have created by taking these out of community correction and prisons, to work at a high level with us to help us deal with those issues. The position also works closely with law enforcement in the community. What we have learned for years is that we have a wealth of knowledge because of information we receive right inside the prison system that needs to be shared with law enforcement to help us address not only gang issues but other types of issues that we face out in our community. It does actually have people under it, we just can't draw all of the boxes to fit on a single page. This is just the nuts and bolts and we tried to add in the sections that related to juvenile justice. Security Services is a very important piece but it is no new position.

Chairman Boles told the members and Commissioner Guice that the issue of automobiles would be addressed at the next oversight meeting and to plan for that. He then asked Commissioner Guice to present information to the committee regarding the kitchen update at Dobbs Youth Development Center (See Attachment 5 for a copy of the presentation which is attached for detailed information).

Representative McNeill: That is one powerful kitchen that takes 7,200 square feet, that's enough for about 7 kitchens. I don't see why you couldn't just renovate 1,000 – 1,500 square feet of that facility instead of 7,200. I think you said there are 43 inmates there now and it will only hold how many, the maximum?

Commissioner Guice: The maximum, according to what we looked at earlier today, was 250 for that facility however, I think that number was pulled before we looked at the recognition nationally of how many at a size of facility which I think was about 90. But again, when people give me data, I want to do more than just look at the data. I want to analyze the date. I think you are exactly right as it relates to the square footage. We aren't talking about a kitchen facility – I'm talking about the dining rooms, etc. Nobody is going to have a 7,200 square foot kitchen. But you still have all of that infrastructure. What I understand about the building is it has a relatively new roof but other than that it is in poor, poor repair so a lot of repair has got to be done to that building itself which would take care of the dining experience plus the kitchen area.

Representative McNeill: I understand what you are saying that this 7,200 square feet includes not only the kitchen but the dining hall and I'm not 100% sure how the facility is laid out. I



know you say right now you say you are feeding them in their quarters and I'm not sure why that cannot continue. Why can't you just renovate a part of that 7,200 square feet for a kitchen and continue to feed them in their quarters or their day rooms or whatever.

Commissioner Guice: I think those are legitimate questions that need to be looked at and answered. Again, as I mentioned when I started this presentation, I think what would be important to me is to have the time that is necessary to look closely and analyze the facilities that we have and look closely at the history of how many folks we have had in these facilities,

what the capacity is. There's a lot of issues that relate to having a facility which has separate areas where you could house but your core for that, and the core I'm talking about, dining facilities, medical, storage, training room, etc., has different ways of looking at it. I haven't had that opportunity but I am going quickly to begin looking at some of these facilities and ask those questions. It is my understanding that the Gov Ops committee will soon be looking at this request for \$1,700,000.00.

Chairman Boles: I think what I'm hearing is that you're asking this committee a little more time to reevaluate the facility? I do have concerns for \$1,800,00.00 and 7,200 square feet. I do know, in past discussions, whether closing this facility should be done, and it was recommended by DPS not to because of the vocational/educational components of this particular campus vs. the Lenoir campus which was closed which was a newer facility. Am I hearing you asking for a little more time maybe until January to report back to us?

Commissioner Guice: I am asking for some time. I would like to ask you for more than just until January. Be honest with you, not just to look at this facility but look at (all) our facilities and assess our facilities and see what those needs are across the board and come back with a report.

Representative Faircloth: Did we put a mandate on you to move forward with this – is that what I'm hearing.

Chairman Boles: Yes sir.

Chairman Guice: You didn't put one on me but you put one on somebody.

Chairman Boles: I think it was October of this year, is that correct? (looking toward the NCGA fiscal research staff)

Lisa Fox, NCGA Fiscal Research Staff: Yes, the special provision mandate is the kitchen be finished by October 1st.

Chairman Boles: To get this issue resolved, is there a motion? Well, can we do a motion?

Hal Pell, NCGA Research Staff: Sir you can certainly do a motion.

Kristine Leggett, NCGA Fiscal Research Staff: Mr. Chair, I think that you can certainly do a motion saying you support the Commissioner's new plan but the October 1 deadline was a law that was passed by all 170 members of the General Assembly so ya'll cannot, as a JPS oversight body, countermand that law. You can't say well you just ignore it. You can certainly hear their reports and listen to why they have not been able to comply with the law. It sounds like what Commissioner Guice is asking is that ya'll allow him until March or April to come back with a report on all of the juvenile justice facilities and what their long-term plan is going to be for



those facilities. There is never been a five or ten year long term plan for juvenile justice facilities. So to have the department to provide that to you at this time would be a very good thing.

Hall Pell: I would have to look at the specific statute but I don't believe that the statute may include what the ramifications would be if they did not. So, absent anything in the statute that says what happens if they didn't meet a deadline, yes, it's a direction but, if it's not met then it would be in the purview of this oversight committee to decide what to do at that point. Again I

would say a motion would be in order based upon the reasons and the basis for the departments not meeting that deadline, what the commission would recommend.

Commissioner Guice: Mr. Chairman, I will just point out that the desire to accomplish this task is one that we very much are interested in being successful with. However, there was no funding set aside to accomplish this task when the directive was given. In addition to that, we have gone through the closures and have completed those closures as is required by the legislature. I believe we were allowed to continue to operate the food operation out of the closed facility across the street. In order to get this project up and going, we had to have the engineers to in and tell us exactly what it would cost and I don't know that anyone up to this point has looked at the fact that that 7,000 square foot room is actually set up to serve 250 people and we only have 45 people there. What I'm wanting to do is ensure that we are doing the right thing. My concern, even if this goes to the Gov Ops committee, that all of a sudden someone will pass an initiative for \$1,700,000.00 - \$1,800,800.00 when there's a real question about what we might do with the facility in the future. I think that is of great concern. We are in no way trying to ignore the directive, it's just about impossible when you have to find the funding and we are going through the proper channels to get the funding. They have not even met to approve the funding yet for the project so there is no way it can be done and I'm not exactly sure how long it would take if we had the funding.

Chairman Boles: Mr. Pell, if you could give us some direction at this point.

Hal Pell: Again, I would say it is up to the committee to determine what they would move be done in this situation. If again there are certain variables that are known, it wouldn't be until the General Assembly met again that any other action could be taken. But, this committee could adopt a motion for whatever action they think is appropriate under the circumstances.

Chairman Boles recognized Senator Bryant.

Senator Bryant: I am happy to make a motion. I'm not sure what our sentiments are but my sentiments are that we should ask that our Chairs support even asking Gov Ops, asking whoever might be involved, Secretary, Gov Ops, etc. to postpone consideration of this whole matter until March. Until more work cause I don't know how the Commissioner would feel about that. Until more of the background work could be done and everyone move forward on one accord in fulfilling the mandates of the statute and then, even in March, if we find there are more concerns, we could then say we should hope that it be reviewed in May if they can maintain the status quo. That is just my thinking but I'm happy to help make a motion to be the sentiment of everybody.



Chairman Boles looked to Mr. Pell for clarification.

Mr. Pell: The statutes that we discussed this morning about the organization and role of the committee provides that this committee has the authority to report to the General Assembly at any time including the interim and also to recommend specific legislation. So it may be appropriate to do that and during the course of that, develop whatever legislation may be deemed

appropriate after that is done. And then provide that to the General Assembly in the short session.

Chairman Boles: Would you like to clarify Senator Bryant's motion?

Senator Bryant: Could you make a suggestion – we could either make a suggestion that staff look at it and propose something to us for the next meeting. I'm just concerned about somebody going to Gov Ops and approving this one point whatever it is million dollars without more thought. That worries me more than what may be happening here. So whatever would empower our leadership, on our behalf, to pursue maintaining the status quo until at least March if that is the sentiment of the Commissioner. Is that generally what you would support?

Representative Faircloth: I am in agreement. I think what this committee should do is, first of all, acknowledge the timely report to us on this particular required construction so that it is recognized for the record that it was reported to us. And then that we ask that the Commissioner, or the Department, report back to us in March on further findings at that point, or further information at which time we then consider some recommendation to the General Assembly.

Representative Hurley: I would also like to have in that motion too, because of the findings of the paint, lead paint, as well as the asbestos, which would definitely make it very more expensive to do this. If it can be done as we're doing now, status quo, I certainly approve of this.

Senator Bryant: Do we want any interface – do we want our chairs to notify Gov Ops of our concern or we don't feel like....

Chairman Boles: That is what your motion is gonna...

Senator Bryant: OK. I didn't hear that. I wanted to make sure that it is alright Fair...Representative. So I make a motion that we document, just for the formality of it, that we have received the report of the Commissioner in accordance with, in due time, around the issue as provided in the statute. Whatever the proper wording is. That we ask he come back in March with more information and any proposals that would be appropriate at that time on how to address this issue and authorize our chairs to take whatever action is appropriate to communicate to Gov Ops our concern about moving forward on this issue in a funding fashion without further information.



Chairman Boles: Based on the fact that Gov Ops has not met and approved the funding and also we need to give him the authority to keep Lenoir open to.....

Senator Bryant: Yes. That would be 4th thing, and that he given the authority to maintain the status quo back from whatever source. So those 4 things, is that?

Ms. Leggett: Mr. Chair, I just want to throw out that Gov Ops is meeting on October 29th and the R & R for Dobbs Kitchen is one of the many R & R items that ya'll will be considering at that time. So, I don't know how that fits in with you are trying to do now but just so you are aware, this item is scheduled to be heard...

Chairman Boles: I tell you what the motion is for them to pull that item.

Senator Bryant: For our chairs to make, to notify them.

Chairman Boles: To notify them that they need to pull the item, that they did not meet the statutory date of October, that upon further discussion with DPS and Commissioner Guice, for overall review of the YDC facilities, to come back with a five year plan or a temporary plan in March to continue, but also, the ability to give him the authority to continue with Lenoir to feed the children of Dobbs.

Senator Bryant: So that would be number 4 would be the charge to maintain the status quo. You have even beefed up my Gov Ops provision which would be to ask you to ask them to pull that item, if they would, out of respect for our desire to, in our oversight role, to continue to look at the matter til March.

Senator Bryant: I so move.

Representative McNeill: Second

Chairman Boles called for further discussion

Mr. Pell: Yes. The statute says you can report to the General Assembly and I think a report or however you want to that to the Gov Ops Commission is well within the authority.

Chairman Boles: We have a motion and we have a second – all in favor “aye” – all opposed

The motion carried.

Chairman Boles: Commissioner Guice, I will give you the last moment to close up.



Senator Daniel: I think this is more of a comment and perhaps, a request of the chairs. As the committee is probably aware, the legislature mandated that the Department close approximately ten prison facilities across the state. That particularly concerned me because the largest one was in my district which was a result, theoretically, of about the loss of 325 jobs and then a vacant building that is worth millions and millions of dollars. So I would ask the chairs to consider at a future meeting having the department report back about what we are doing to mothball these buildings. Some of these facilities were actually fairly new from my understanding and I know the department has also pledged progressive efforts to reposition the employees that were Riffed

into other positions that are vacant. I would like to personally see, across all of these facilities, what they are planning to do with the asset itself and then what success have they had in placing the Riffed employees, whether within their department or within other state agencies.

Chairman Boles: I agree and I think that is something that I would like for Commissioner Guice, as far as the Riffed employees, if he would like to answer today and if he could have a report back at the next meeting regarding your concerns on the assets. I think the employees are the question.

Commissioner Guice: I am very proud to stand before you today and tell you that we have called all prison facilities that we were legislatively asked to close other than Western at this point. We were asked to close five facilities and we have closed four of those facilities. In the case of employees – all of the employees at all of the four facilities that were closed that wanted a job were offered a job and are working today. I am very proud of that. At Western Youth, the report I got this morning, we have 259 persons that need a job at this point. As you may remember, a portion of our employees from that facility were going to be transferred to the facility right down the road to assist us at that location. A portion of those will be going there and there has been some folks that have left employment with the department and sought employment at other locations. But of the 259 persons that we are looking to place, and we have been meeting with staff, we have identified 214 positions that we can place those folks in so we are 45 positions short at this point and we still have a couple of months before we close the facility and we will continue to work on this. The employees have not been notified yet and that is part of the process where our group goes in after they meet with them initially and listen to their concerns and talk with them and try to match up years of service and what might be available. They are going to be going back and doing that shortly. We have identified 214 positions that we can place those folks in. We have been holding positions in community corrections, probation position – we have been holding other positions that are available at other facilities. Not everybody will work as close to their home as before – some will have to drive a further distance, we understand that. It is going to turn out to be an OK situation if there can be an OK situation. We are here to report that we think we will be able to place a large majority of the staff, even at Western, at a location. I'll also say to you that we are working diligently on identifying facilities that have closed – it's not just this year that facilities have closed but over the years we have closed a lot of facilities. They were small facilities and some arrangements have been made and worked through the process. The first thing that we have to do is, as a department, determine whether or not we want to use that facility for some other use, if there is



some other use it can be used for. Then after that, we have to allow other state agencies to look and see if they have a use for that facility. And then, after that during this process, we move out and we move our equipment out, cut the lights and water off, the facility is turned over to engineering and engineering takes control of the facility and begins working through the process that they have to work through. They receive calls from the counties and private folks and other folks that might be interested in the facilities. There is a process that has to be worked through that will eventually go to the Council of State Government to look at and make the decision as it relates to what is going to happen with that facility. In the past we might have sold the facility

for one dollar. There is a facility in Mecklenburg County that sits near the airport and two beautiful motels on either side and it's not going to go for one dollar. It depends on what actually occurs and maybe some commitment that has been made in the past. We are in the process all of the time of doing that. I will be back to this committee at a later time and bring a report. I will be meeting tomorrow with some of my staff to identify all of the spaces that are still out there and what is going on. There are a couple of facilities that we have kept the electricity and water on because we felt like there was a need to possibly repurpose those in some way or they could be used by the department in some way and it is much easier when you don't cut the electricity and water off to get something done later on.

Chairman Boles acknowledged to Commissioner Guice has undertaken a large task with the State of North Carolina and that DPS is the largest state agency that we have and the committee is tasked to that largest agency. He also acknowledge the professionalism of the DPS staff during his meetings with them as well. He then asked the other chairs if there were any closing comments they would like to make.

Senator Goolsby: I would just encourage all of the members and the public that is still hear to please let us hear from you. Kristine has told me that, as we requested last time, when we had the oversight committee, all of this is being recorded. It will be loaded up on the website. As you've probably seen, all of the documents we've discussed today will be loaded – they are already there and we will do that in every committee meeting and try to get them loaded up before. I believe I am going to be in charge of our next committee meeting and if you have any suggestions that you would like us to look at on oversight, I am all ears. Please do e-mail those to me.

Representative Graham: For the next meeting, there's a news article, there is an agency that has contracted with, with the State of North Carolina to handle inmate's funds that are going to them from their family member. I would like to get some more information on that and how that came about and who is responsible for that and how that all evolved.

Chairman Boles: That is fine and thank you.

Representative Hurley: Thank you all for being here today and we do want to go on other trips out in the communities to see what we are overseeing. So, I hope that more of you will be able to go next time because it is very enlightening and we are making decisions that affect these lives.



Chairman Boles: I would also like to remind you all that we have reports that are submitted on behalf of the seizure money, where they spend it, a report on public safety training, youth development annual report.

Kristine Leggett: All of the reports that are to go to oversight are posted on your committee website and I sent an e-mail out to you yesterday, or two days ago, with a link. If you have problems accessing any of those reports, or if you want us to just send you the reports directly,

we can do that. Just let us know. All of the reports are on there in PDF format and there is also a excel spreadsheet that just shows the list of the reports that have come in.

Chairman Boles: Also, if you have any ideas, I think we are interested in the State Crime Lab, DOC Facilities again, and any other things you are interested in, just let us know. Next meeting we may try to meet at maybe 10:00 or 11:00 but as you can see, we have a lot to go over and it may be that we meet maybe twice a month. This is a large agency and there are a lot of questions. Like the concerns of the automobiles that our probation officers do not have, those are things that we need to find out and now just keep on putting on down and wait until we get back in May. I thank you for your time and hope everyone has safe travels.

There being no further business, the meeting adjourned at 4:58 p.m..

Rep. Jamie Boles
Presiding

Kerry Guice, Committee Clerk